

MAYOR AND COUNCIL OF THE TOWN OF CHESAPEAKE CITY

CHARTER AMENDMENT RESOLUTION NO.: 4.12.2010.3

A CHARTER AMENDMENT RESOLUTION of the Mayor and Council of the Town of Chesapeake City, passed pursuant to the authority of Article XI-E of the Constitution of Maryland, as published in the Constitution of Maryland Article of the Annotated Code of Maryland, and Section 13 of Article 23A of the Annotated Code of Maryland, to amend the Charter of the Town of Chesapeake City to establish the authority and process for the removal of the Mayor and/or any Council Person and the filling of vacancies.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Chesapeake City, pursuant to the authority of Article XI-E of the Constitution of Maryland and Section 13 of Article 23A of the Annotated Code of Maryland, that Section 26-11 of the Town Charter is hereby amended to read as follows:

“Section 26-11. Removal and Vacancies on council.

The Mayor and/or any Council Person may be removed from office or a vacancy shall occur upon the following events:

- 1) Resignation;
- 2) Ceasing to reside within the boundaries of the Town of Chesapeake City;
- 3) Death;
- 4) Criminal conviction;
- 5) Unexcused absences for four (4) consecutive Town meetings (meetings include both Town monthly meeting and Town workshop) or unexcused absences for more than half of the scheduled Town meetings during a six (6) month period; or,

6) Violation of the Town Charter and/or Ethics Ordinance.

A motion for the removal of the Mayor and/or any Council Person for either a criminal conviction or violation of the Town Charter and/or Ethics Ordinance shall be made at any regular or special meeting of the Mayor and Commissioners however no vote on such motion shall occur during the meeting it is made. The voting procedures for such motion shall be the same as any other motion before the Mayor and Commissioners and shall be in accordance with the Charter.

All vacancies of a Council Person, however created, shall be filled as provided in Section 26-36. In the case of a vacancy in the office of the mayor a special election shall be held. In no case shall the seat remain vacant for more than sixty (60) days. Until the election of a new mayor the vice-mayor shall be responsible to fulfill the duties of the office of mayor”

AND BE IT FURTHER RESOLVED that to the extent that any Section of the Charter of the Town is in conflict with the provisions of this Resolution such Section or Sections be and hereby are repealed to the extent of such conflict; and,

AND BE IT FURTHER RESOLVED that the amendments to the Charter of the Town adopted by this Resolution shall become effective upon the fiftieth (50th) day after passage of this Resolution, unless a proper petition for referendum meeting the requirements of Section 13 of Article 23A of the Annotated Code of Maryland shall be presented or mailed to the Council in accordance with such Section 13 of Article 23A of the Annotated Code of Maryland on or before the fortieth (40th) day after passage of this Resolution. A complete and exact copy of this Resolution shall be posted at the town hall or other main municipal building or public place for a period of at least forty (40) days

following its adoption, and the title to this Resolution, being a fair summary of the amendments to the Charter adopted hereby, shall be published in a newspaper of general circulation in the Town not less than four (4) times, at weekly intervals, within a period of forty (40) days after adoption of this Resolution; and,

AND BE IT FURTHER RESOLVED that the Mayor shall send or cause to be sent in accordance with the provisions of Sections 9 and 13 of Article 23A of the Annotated Code of Maryland, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services of the State of Maryland, the following documents or information concerning the Charter amendment: (1) the complete text of this Resolution; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for or against this Resolution by the Council or in a referendum; and, (4) the effective date of the Charter amendments; and,

AND BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to carry out or cause to be carried out notice of the adoption of this Resolution as outlined above; and as evidence of compliance herewith, the Mayor shall cause to be affixed to the minutes of the Council for the meeting at which this Resolution is adopted: (1) a certificate to the effect that this Resolution was duly and properly posted as provided herein; (2) an appropriate certificate of publication in the newspaper in which the fair summary of the Charter amendment shall have been published; and, (3) the return receipt of the mailing referred to above.

INTRODUCED before the Mayor and Council of The Town of Chesapeake City at a regular public meeting held on the 10th day of May, 2010.

ADOPTED by the Mayor and Council of The Town of Chesapeake City at a regular public meeting held on the _____ day of _____, 2010.

ATTEST:

Sharon Weygand
Town Administrator

Frank Hill, Mayor

Votes of the Council:

_____ votes in favor of the Resolution

_____ votes opposing the Resolution

Effective: _____, 2010